

REMARKS

In response to the Office Action dated May 7, 2007, Applicants respectfully submit the present Amendment and Remarks, and reconsideration is respectfully requested.

Amendment to Specification

Applicants respectfully submit that page 3 of the specification has been amended to correct a typo of the N-acetyl-D-glucosamine is a compound. Specifically, the structure of the N-acetyl-D-glucosamine compound has been amended to replace "CH₃OH" with "CH₂OH."

No new matter has been added. Hence, Applicants respectfully request entry of this amendment.

Amendment to Claims

Applicants respectfully submit that claims 1-4 have been cancelled. Claims 5 and 7 have been amended to clarify the claimed subject matter of the present invention. Minor grammatical changes have also been made to these claims to conform to U.S. practice. Support for these amended claims can be found throughout the specification, particularly in the examples.

No new matter has been added. Hence, Applicants respectfully request consideration and entry of these claims.

Claims 5-7 are currently pending in this application.

Claimed Invention

The claimed invention is directed to a method for treating organ lesions caused by a toxicant selected from the group consisting of methanol, organophosphorus pesticides and metal ion sources, comprising administering a patient suffered from the organ lesions a pharmaceutical

composition comprising N-acetyl-D-glucosamine or pharmaceutically acceptable salts thereof as well as a pharmaceutically acceptable carrier. The pharmaceutical composition of the present invention is of an injectable form and is parenterally administered. The N-acetyl-D glucosamine or the pharmaceutically acceptable salt thereof in said pharmaceutical composition has a concentration of 0.1-10% by weight.

Summary of the Office Action

In the Office Action, the Examiner has made objection to the specification for containing an abstract that is not conform to U.S. practice and lacking a "Cross-References to Related Applications" section.

The Examiner has also alleged that the oath/declaration filed in this case is defective because the declaration of this case identifies three inventors and the bibliographic data sheet identifies two inventors.

Claims 1-4 and 7 have been rejected under 35 U.S.C. § 101 for not conforming to U.S. practice because they recite the word "use."

Additionally, claims 1-7 have been rejected on grounds of lack of enablement under the first paragraph of 35 U.S.C. §112 as set forth at pages 3-5 of the Office Action.

Claims 1-7 have been rejected on grounds of lack of indefiniteness under the second paragraph of 35 U.S.C. §112 as set forth at pages 5-6 of the Office Action.

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) for being anticipated by United States Patent 5,217,962 (Burton et al.) as set forth at page 7 of the Office Action.

Finally, claims 1-4 have been rejected under 35 U.S.C. § 103 for being obvious over United States Patent 5,217,962 (Burton et al), further in view of WO 99/53929 (Glucogenics Pharmaceuticals, Inc.).

Abstract

In the Office Action, the Examiner has made an objection to the Abstract for not being of “proper content.”

Applicants respectfully submit that a new Abstract is being submitted herewith. Applicants also respectfully submit that the new Abstract is in now in proper format and conformed to U.S. practice.

Cross-References to Related Applications

The Office Action also objected to the specification for not containing a “Cross-References to Related Applications” section.

Applicants respectfully submit that this application is being filed under section 371 and thus is not required to contain a “Cross-References to Related Applications” section

Oath or Declaration

The Office action indicates that the “oath or declaration may be defective.”

Applicants respectfully submit that the declaration filed in the present application correctly lists the appropriate inventors, and thus request reconsideration of this issue.

35 U.S.C. § 101

The Office Action states that claims 1-4 and 7 have been rejected under 35 U.S.C. § 101 for not conforming to U.S. practice because they recite the word “use.”

Applicants respectfully submit that claims 1-4 have been cancelled, and that claim 7 has been amended to remove the word “use.”

In view of the above, Applicants respectfully request reconsideration and withdrawal of this rejection.

35 U.S.C. §112, first paragraph

In the Office Action, claims 1-7 have been rejected on grounds of lack of enablement under the first paragraph of 35 U.S.C. §112 as set forth at pages 3-5 of the Office Action. Specifically, the Examiner alleges that although the specification provides enablement for “the administration of N-acetyl-D-glucosamine to inhibit the negative effects of poisoning by methanol ingestion, poisoning by the ingestion of the insecticide,” it does not provide enablement for “inhibiting any other adverse effect caused by the administration of any other class of substance including any compound generally recognized as a ‘drug.’”

Again, Applicants respectfully submit that claims 1-4 have been cancelled.

With regard to claims 5 and 7, they have been amended to replace the phrase “toxicants and drugs” with “a toxicant selected from the group consisting of methanol, organophosphorus pesticides, and metal ion sources.” The support for this amendment can be found throughout the specification, particularly in the examples and at page 9, lines 20-23 of the specification.

In view of the above, Applicants respectfully request reconsideration and withdrawal of this rejection.

35 U.S.C. §112, second paragraph

Claims 1-7 have been rejected on grounds of lack of indefiniteness under the second paragraph of 35 U.S.C. §112 as set forth at pages 5-6 of the Office Action.

As discussed above, claims 1-4 have been cancelled.

With regard to claims 5-7, the Examiner alleges that independent claim 5 is unclear for containing the phrase “organ lesions caused by toxicants and drugs” and being “incomplete” because it does not recite a “host in need thereof” and “pharmaceutically acceptable carrier.”

Applicants respectfully submit that independent claim 5 has been amended to replace the phrase “toxicants and drugs” with “a toxicant selected from the group consisting of methanol, organophosphorus pesticides, and metal ion sources.”

Specifically, claim 5, as amended, recites a method for treating organ lesions caused by a toxicant selected from the group consisting of methanol, organophosphorus pesticides and metal ion sources, comprising administering a patient suffered from the organ lesions a pharmaceutical composition comprising N-acetyl-D-glucosamine or pharmaceutically acceptable salts thereof as well as a pharmaceutically acceptable carrier.

In view of the amendment to claim 5, Applicants respectfully submit that term “organ lesions” is sufficiently clear. This is because how such a toxicant can effect the human body is well known in the art and such effect generally relates to multi-system

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

35 U.S.C. § 102(b)

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) for being anticipated by United States Patent 5,217,962 (Burton et al.) as set forth at page 7 of the Office Action.

As discussed above, claims 1-4 have been cancelled.

Accordingly, this rejection is now moot.

35 U.S.C. § 103

Finally, claims 1-4 have been rejected under 35 U.S.C. § 103 for being obvious over United States Patent 5,217,962 (Burton et al), further in view of WO 99/53929 (Glucogenics Pharmaceuticals, Inc.). As discussed above, claims 1-4 have been cancelled.

Accordingly, this rejection is also now moot.

CONCLUSION

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 1384.45491X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

/Jessica H. Bui/
Jessica H. Bui
Registration No. 40,846
ANTONELLI, TERRY, STOUT & KRAUS, LLP

JHB/kmh

Attachment